

REMARKS

By this Amendment, Applicant has amended claims 1, 10, 36, and 45; and added new claims 64-66. No new matter has been added. Claims 1-66 are pending in the application.

As an initial matter, Applicant appreciates the Examiner's indication that claims 9, 10, 14, 17, 21, 22, 44, 45, 49, 53, and 54 contain allowable subject matter.

In the Office Action, claims 1-8, 11-13, 15, 16, 18, 20, 23-43, 46-48, 50, 52, and 55-63 were rejected under either 35 U.S.C. § 102(b) or § 103(a) based on Goncalves (U.S. Patent No. 5,209,565); and claims 1, 18, 19, 36, 50, and 51 were rejected under 35 U.S.C. § 102(b) based on Taylor et al. (U.S. Patent No. 5,027,872). The only independent claims rejected are claims 1 and 36. Applicant has amended claims 1 and 36, thereby obviating those rejections. Therefore, Applicant respectfully submits that claims 1 and 36 should be allowable because neither the Goncalves reference nor the Taylor et al. reference discloses or suggests all of the subject matter recited in those amended claims, as will be explained in more detail below.

Independent Claim 1

Independent claim 1, as amended, recites a system including, among other recitations, a configuration "wherein [a] first opening is substantially unobstructed by [a] safety member." Neither the Goncalves reference nor the Taylor et al. reference discloses or suggests at least that subject matter recited in claim 1.

The Office Action's rejection statement asserts that the Goncalves reference discloses, among other things, a "safety member [that] may be considered to be defined by the cover 16." Office Action at 2. The rejection statement further asserts that "[t]he

safety member/cover 16 is blunt and is capable of abutting with the seal 7 when the stopper 9 is removed from the second container since the seal 7 is disposed on the edge of the neck 6 of the container 2 (col. 3, lines 25-26)." Id. The Office Action thereafter concludes that "[t]he cover 16 defines a safety member because when the cover is on the first container 3, it prevents the seal 7 from being punctured by the cutter." Id. at 3.

Applicant does not necessarily agree with the Office Action's interpretation of what the Goncalves reference discloses. Applicant respectfully submits, however, that even if for the sake of argument, the cover 16 could be considered to be a safety member, the Goncalves reference does not disclose or suggest a configuration "wherein [a] first opening is substantially unobstructed by [a] safety member," as recited in amended claim 1, at least because the cover 16 completely obstructs the opening of the pot 3 so as to prevent any flow from the pot 3. Therefore, even if the cover 16 can be interpreted as being a safety member, the Goncalves reference still neither discloses nor suggests all of the subject matter recited in claim 1.

With respect to the rejection of claim 1 under § 102(b) based on the Taylor et al. reference, the Office Action's rejection statement asserts that the Taylor et al. reference discloses "a first container 2, a second container 6, a coupler 22 on the first container [2], a coupler 23 on the second container [6], and a seal 9 on the second container [6]." Office Action at 4. The rejection statement further asserts that "[u]pon breaking or [sic] the stop off the nozzle the open tip is disposed in the seal inlet 8," and "[t]he nozzle becomes connected by snap-fit to elements [sic] rib and groove elements 36, 37." Id. The rejection statement thereafter concludes that "there will be some resistance to the nozzle entering the inlet 8 to the extent in which the nozzle

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displaces the seal/displacing cap 9," and that "the nozzle of Taylor et al. defines a safety member since the tip of the nozzle will press against the seal 9 somewhat before the seal is displaced." Id.

Applicant does not necessarily agree with the Office Action's interpretation of what the Taylor et al. reference discloses. Applicant respectfully submits, however, that even if for the sake of argument, the Taylor et al. nozzle could be considered to be a safety member, the Taylor et al. reference does not disclose or suggest a configuration "wherein [a] first opening is substantially unobstructed by [a] safety member" at least because Taylor et al.'s nozzle has a "stop" that completely obstructs the opening of the syringe chamber 2 so as to prevent flow from the syringe chamber 2. Therefore, even if the Taylor et al. nozzle can be interpreted as being a safety member, the Taylor et al. reference still neither discloses nor suggests all of the subject matter recited in claim 1.

Independent Claim 36

Like claim 1, independent claim 36, as amended, recites a system including, among other recitations, a configuration "wherein [a] first opening is substantially unobstructed by [a] safety member." As outlined previously herein with respect to claim 1, neither the Goncalves reference nor the Taylor et al. reference discloses or suggests at least that subject matter recited in claim 36.

New Independent Claim 64

Independent claim 64 recites a system "wherein [a] safety member extends through [a] first opening." Neither the Goncalves reference nor the Taylor et al. reference discloses or suggests at least that subject matter recited in claim 64.

New Independent Claim 65

Independent claim 65 recites a system including “a cap member associated with [a] second opening.” Neither the Goncalves reference nor the Taylor et al. reference discloses or suggests at least that subject matter recited in claim 65.

New Independent Claim 66

Independent claim 66 recites a system “wherein [a] safety member is configured to stay in place after [a] first container and [a] second container are placed in flow communication with one another.” Neither the Goncalves reference nor the Taylor et al. reference discloses or suggests at least that subject matter recited in claim 66.

Dependent Claims

In the Office Action, claims 2-8, 11-13, 15, 16, 18, 20, 23-35, 37-43, 46-48, 50, 52, and 55-63 were rejected under either 35 U.S.C. § 102(b) or § 103(a) based on Goncalves; and claims 18, 19, 50, and 51 were rejected under 35 U.S.C. § 102(b) based on Taylor et al. Since each of those claims depends from either independent claim 1 or independent claim 36, those dependent claims should be allowable for at least the same reasons as their corresponding independent claims.

Conclusion

For at least the reasons set forth above, independent claims 1, 36, and 64-66 should be allowable. Dependent claims 2-35 and 37-63 depend from independent claims 1 and 36, respectively. Consequently, those dependent claims should be

allowable for at least the same reasons the claims from which they depend are allowable.

Therefore, Applicant respectfully requests the reconsideration of this application, the withdrawal of all of the outstanding claim rejections, and the allowance of claims 1-66.

If the Examiner believes that a telephone conversation might advance prosecution, the Examiner is cordially invited to call Applicant's undersigned representative at (571) 203-2739.

Applicant respectfully submits that the Office Action contains numerous assertions concerning the related art and the claims. Regardless of whether those assertions are addressed specifically herein, Applicant declines to automatically subscribe to them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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